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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.														
10/648,126	08/25/2003	Yiling Xie	CIP2159A-TMI	3208														
7590 Raymond Y. Chan Suite 128 108 N. Ynez Ave. Monterey Park, CA 91754		10/29/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">DANG, HUNG XUAN</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2873</td><td></td></tr><tr><td colspan="2"><table border="1"><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>10/29/2007</td><td>PAPER</td></tr></table></td></tr></table>		EXAMINER		DANG, HUNG XUAN		ART UNIT	PAPER NUMBER	2873		<table border="1"><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>10/29/2007</td><td>PAPER</td></tr></table>		MAIL DATE	DELIVERY MODE	10/29/2007	PAPER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Interview Summary

Application No.

10/648,126

Applicant(s)

XIE, YILING

Examiner

Cam Y T. Truong

Art Unit

2162

All participants (applicant, applicant's representative, PTO personnel):

(1) Cam Y T. Truong. (3) \_\_\_\_\_.

(2) Randy L. Canis (Attorney). (4) \_\_\_\_\_.

Date of Interview: 22 October 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1.

Identification of prior art discussed: \_\_\_\_\_.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

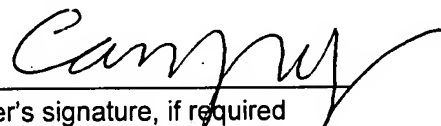
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative clarified the scope of the claimed limitation "searching the database of listing data based on the listing identification data". Examiner will update a new search for further consideration when receiving applicant's response to the mailed office action.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required



## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

**AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE**

Serial Number: 10/648,125

Filing Date: August 25, 2003

Title: **METHOD AND SYSTEM TO GENERATE A LISTING IN A NETWORK-BASED COMMERCE SYSTEM**

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**IN THE CLAIMS****Draft**

Please amend the claims as follows.

1. (Previously Presented) A method of generating a listing in a network-based commerce system, the method including:
  - receiving listing identification data from a user;
  - searching a database of listing data to locate a plurality of similar listings;
  - receiving an indication from the user selecting a selected listing from the plurality of similar listings;
  - generating a proposed listing to present to the user, the proposed listing including listing data from the selected similar listing;
  - allowing the user to modify the listing data of the proposed listing to create the listing;
  - and
  - posting the listing in a database of the network-based commerce system, the listing, once posted, representing an offering of a good or service.
2. (Previously Presented) The method of claim 1, which includes allowing the user to accept the listing, prior to posting the listing.
3. (Previously Presented) The method of claim 1, wherein the database of listing data is associated with at least one of movies, music, games, books or motor vehicles.
4. (Previously Presented) The method of claim 1, which includes:
  - generating a user interface with a plurality of fields; and
  - populating the plurality of fields with the listing data.
5. (Previously Presented) The method of claim 4, which includes providing a plurality of check boxes, each of which is associated with an attribute of the listing, and automatically without human intervention checking attributes based on the listing data.

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6. (Original) The method of claim 5, which includes allowing the user to modify checks in the check boxes.
7. (Previously Presented) The method of claim 1, wherein the listing data includes at least one of a group including a title of the listing, a description of the listing, and an image related to the listing.
8. (Canceled)
9. (Previously Presented) The method of claim 1, wherein the listing identification data is a Vehicle Identification Number (VIN), the method including retrieving listing data including at least one of a model year of the vehicle, a manufacturer of the vehicle, a number of doors of the vehicle, or an engine capacity of the vehicle.
10. (Previously Presented) The method of claim 1, wherein the listing identification data is at least one of a movie title or a UPC code, the method including retrieving the listing data in the form of details on a movie.
11. (Previously Presented) The method of claim 1, wherein the listing identification data is at least one of a book title or a UPC code, the method including retrieving the listing data in the form of details on a book.
12. (Previously Presented) The method of claim 1, wherein the listing identification data is at least one of a music title or UPC code, the method including retrieving the listing data in the form of details on a music item.

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13. (Previously Presented) A machine-readable medium including instructions that, when executed by a machine, cause the machine to:
- receive listing identification data from a user requesting posting of a listing on a network-based commerce system;
  - search a database of listing data to locate a plurality of similar listings;
  - receive an indication from a user to select a selected listing from the plurality of similar listings;
  - generate a proposed listing to present to the user, the proposed listing including listing data from the selected similar listing;
  - allow the user to modify the listing data in the proposed listing to create the listing; and
  - post the listing in a database of the network-based commerce system, the listing, once posted, representing an offering of a good or service.
14. (Previously Presented) The machine-readable medium of claim 13, wherein the user is allowed to accept the listing, prior to posting the listing.
15. (Previously Presented) The machine-readable medium of claim 13, wherein the database of listing data is associated with at least one of movies, music, games, books or motor vehicles.
16. (Previously Presented) The machine-readable medium of claim 13, which causes the machine to:
- generate a user interface with a plurality of fields; and
  - populate the plurality of fields with the listing data.
17. (Original) The machine-readable medium of claim 16, wherein a plurality of check boxes are provided, each check box being associated with an attribute of the listing and selectively being automatically checked based on the listing data without human intervention.

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18. (Original) The machine-readable medium of claim 17, wherein the user is allowed to modify checks in the check boxes.
19. (Previously Presented) The machine-readable medium of claim 13, wherein the listing data includes at least one of a title of the listing, a description of the listing, or an image related to the listing.
20. (Canceled)
21. (Previously Presented) The machine-readable medium of claim 13, wherein the listing identification data is a Vehicle Identification Number (VIN) of a vehicle, and the listing data includes at least one of a model year of the vehicle, a manufacturer of the vehicle, a number of doors of the vehicle, or an engine capacity of the vehicle.
22. (Previously Presented) The machine-readable medium of claim 13, wherein the listing identification data is one of a movie title or a UPC code, and the listing data includes details on a movie.
23. (Previously Presented) A network-based commerce system, which includes at least one server to:
- receive listing identification data from a user requesting posting of a listing on a network-based commerce system;
  - search a database of listing data to locate a plurality of similar listings;
  - receive an indication from the user to indicate a selection of a selected listing from the plurality of similar listings;

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generate a proposed listing to present to the user, the proposed listing including listing data from the selected similar listing;

allow the user to modify the listing data in the proposed listing to create the listing; and  
post the listing in a database of the network-based commerce system, the listing, once posted, representing an offering of a good or service.

24. (Previously Presented) The system of claim 23, which allows the user to accept the listing, prior to posting the listing.

25. (Previously Presented) The system of claim 23, wherein the database of listing data is associated with at least one of movies, music, games, books or motor vehicles.

26. (Previously Presented) The system of claim 23, wherein the server is to generate a user interface with a plurality of fields, and populates the plurality of fields with the listing data.

27. (Previously Presented) The system of claim 26, which provides a plurality of check boxes, each of which is associated with an attribute of the listing, and automatically without human intervention checks attributes based on the listing data.

28. (Original) The system of claim 27, which allows the user to modify checks in the check boxes.

29. (Previously Presented) The system of claim 23, wherein the listing data includes at least one of a title of the listing, a description of the listing, or an image related to the listing.

30. (Canceled)

31. (Previously Presented) The system of claim 23, wherein the listing identification data is a Vehicle Identification Number (VIN) of a vehicle, and the listing data includes at least one of a



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model year of the vehicle, a manufacturer of the vehicle, a number of doors of the vehicle, or an engine capacity of the vehicle.

32. (Previously Presented) The system of claim 23, wherein the listing identification data is one of a movie title or a UPC code, and the system retrieves the listing data in the form of details on the movie.

33. (Previously Presented) The system of claim 23, wherein the listing identification data is one of a book title or a UPC code, and the system retrieves the listing data in the form of details on the book.

34. (Previously Presented) The system of claim 23, wherein the listing identification data is one of a music title or a UPC code, and the system retrieves the listing data in the form of details on the music.

35. (Previously Presented) The method of claim 1, wherein the offering includes an auction listing.

36. (Previously Presented) The method of claim 1, wherein the offering includes a fixed-price offering.

37.-38. (Canceled)

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**RECORD OF THE SUBSTANCE OF THE INTERVIEW**

Applicants' appointed representative, attorney Randy L. Canis, met with the Examiner Troung on Monday, October 22, 2007 for approximately XXXX minutes.

## AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

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**REMARKS**

This responds to the Office Action mailed on July 24, 2007.

Claims 1-7, 9-19, 21-29, and 31-36 are pending in this application.

**§103 Rejection of the Claims**

Claims 1-4, 7, 9, 13-16, 19, 21, 23-26, 29, 31, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyden et al. (U.S. Publication No. 2003/0036964A1), hereinafter “Boyden”, in view of Linden et al. (U.S. 6,266,649), hereinafter “Linden”.

Applicants respectfully submit that the Office Action did not make out a *prima facie* case of obviousness in connection with any of the above rejections because even if combined, the cited references fail to teach or suggest all of the elements of Applicant’s claimed invention.

The references when combined must teach or suggest all the claim elements. M.P.E.P. § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)).

Linden discloses a recommendation service that recommends items to individual users based on a set of items that are known to be of interest to the user. See Abstract. The service retrieves “similar items lists corresponding to items already known to be of interest to the user, and then appropriately combines these lists to generate a list of recommended items.” See Col 3 lines 7-10. The similar items lists that are used for the generation of the list of recommended items are “previously-generated table[s] or other mapping structure[s] which map[] individual items to list of ‘similar’ items.” See Col 2 lines 39-42. The list of recommended items is presented to a potential buyer in hopes that the buyer will select an additional item from the list for purchase. See FIG. 6, Col 1 lines 22 and Col 15 lines 53-62. The generated list of recommended items in Linden is therefore a proposed list of items for a buyer to purchase.

Applicant’s claimed invention does not claim generating a proposed list, nor does Applicant’s claimed invention claim a proposed list of items for a buyer to purchase. In contrast, Applicant’s claim invention generates a proposed listing for a user (e.g., a seller) that may ultimately be posted in a database. The proposed listing once posted offers a good or service to another (e.g., a buyer or a bidder).

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Boyden, as previously acknowledged by the Examiner, does not disclose that a proposed listing is generated for presentation to a user, this proposed listing including listing data from the selected similar listing. (Emphasis Added). Thus, even combining the teachings of Boyden and Lynden, there is no disclosure of generating a proposed listing that includes listing data from a selected similar listing, the selected similar listing having been selected by a user from a plurality of similar listings located in a database of listing data.

In conclusion, Applicants reaffirm the position that Lynden and Boyden, when combined, do not teach or suggest all of the claim elements of independent claim 1, and accordingly respectfully request that the rejection under 35 U.S.C. §103(a) be withdrawn.

Claims 5-6, 17-18 and 27-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyden in view of Linden and further in view of Erdelyi (U.S. 6,631,522).

Applicants submit that a dependent claim incorporates each of the claim elements of the independent claim from which it properly depends, and more. Applicants assert for the reasons stated in the prior section, that Boyden does not teach or suggest<sup>1</sup> all of the claim elements of the pending claims and the Office Action's proposed combination with Linden and Erdelyi does not cure the defect. Therefore, Applicants respectfully request withdrawal of the §103(a) rejection and allowance of pending claims.

Claims 10, 22 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyden in view of Linden and further in view of Maze et al. (U.S. 6,216,264), hereinafter "Maze".

Applicants submit that a dependent claim incorporates each of the claim elements of the independent claim from which it properly depends, and more. Applicants assert for the reasons stated in the prior section, that Boyden does not teach or suggest all of the claim elements of the pending claims and the Office Action's proposed combination with Linden and Maze does not cure the defect. Therefore, Applicants respectfully request withdrawal of the §103(a) rejection and allowance of pending claims.

<sup>1</sup> The references when combined must teach or suggest all the claim elements. M.P.E.P. § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)).

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Claims 11-12 and 33-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyden in view of Linden and further in view of Ortega et al. (U.S. 6,144,958), hereinafter “Ortega”.

Applicants submit that a dependent claim incorporates each of the claim elements of the independent claim from which it properly depends, and more. Applicants assert for the reasons stated in the prior section, that Boyden does not teach or suggest all of the claim elements of the pending claims and the Office Action's proposed combination with Linden and Ortega does not cure the defect. Therefore, Applicants respectfully request withdrawal of the §103(a) rejection and allowance of pending claims.

Claim 36 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyden in view of Linden and further in view of Bezos et al. (U.S. 6,029,141), hereinafter “Bezos”.

Applicants submit that a dependent claim incorporates each of the claim elements of the independent claim from which it properly depends, and more. Applicants assert for the reasons stated in the prior section, that Boyden does not teach or suggest all of the claim elements of the pending claims and the Office Action's proposed combination with Linden and Bezos does not cure the defect. Therefore, Applicants respectfully request withdrawal of the §103(a) rejection and allowance of pending claims.

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**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 636-681-1324 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

**Reservation of Rights**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

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Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
636-681-1324

Date \_\_\_\_\_

By \_\_\_\_\_

*Draft*  
Randy L. Canis  
Reg. No. 44.584

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this \_\_\_\_\_ day of October 2007.

\_\_\_\_\_  
Name\_\_\_\_\_  
Signature